

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL
NETWORK and NORTH COAST RIVERS
ALLIANCE,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP, et al.,

Defendants,

and

TRANSCANADA KEYSTONE
PIPELINE, LP, a Delaware limited
partnership, and TC ENERGY
CORPORATION, a Canadian Public
Company,

Defendant-Intervenors.

4:19-cv-00028-BMM

ORDER

Indigenous Environmental Network (“IEN”) and North Coast Rivers Alliance (“NCRA”) (collectively, “Plaintiffs”) brought this action against President Donald J. Trump and various government agencies and agents in their official capacities (“Federal Defendants”). Plaintiffs allege that President Trump violated the Property Clause of the U.S. Constitution, the Commerce Clause of the U.S.

Constitution, and Executive Order 13,337 when he issued a Presidential Permit in 2019 (“2019 Permit”) to Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (collectively, “TC Energy”) to construct a cross-border segment of the Keystone XL oil pipeline (“Keystone”).

President Joseph R. Biden signed an Executive Order on January 20, 2021 to revoke the 2019 Permit. *See* Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, Exec. Order 13,990, 86 Fed. Reg. 7,037, 7,041 (Jan. 25, 2021). President Biden’s revocation noted that the 2019 Permit included an express condition that the President could revoke that permit at “the President’s sole discretion.” *Id.*

The Southern District of Texas recently decided a case related to President Biden’s revocation. In *State of Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.), Texas and 22 other states sued President Biden and ten agency heads challenging the President’s authority to revoke the Presidential Permit granted for the construction of the Keystone pipeline. The Southern District of Texas determined that the case was moot because TC Energy had removed the pipeline and revoked its permits. 3:21-cv-00065, Doc. 150 at 14/15.

The Court requires further information on the status of any appeals in *State of Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.).

IT IS HEREBY ORDERED that the parties shall jointly submit a status

report not to exceed 2000 words on or before March 2, 2022 regarding the status of any appeals or expected appeals in *Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.).

Dated this 24th day of February, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and "M".

Brian Morris, Chief District Judge
United States District Court